

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Some clerical amendments to the claims are made above to enhance the readability of the claims. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §102 based upon the *Fuesser, et al.* reference. The second means 29 of that reference cannot fairly be interpreted as the Examiner proposes. The teachings of the *Fuesser, et al.* reference are clear that the second means 29 is an internal working portion of a controller that utilizes a comparison signal V representing a measure of divergence between an actual noise and a reference noise corresponding to a reference noise signal. The comparison signal V is multiplied by a control signal that is controlled by a transfer function H. The second means 29 then delivers a control signal A defined in terms of frequency, amplitude and phase position (see, e.g., column 7, lines 21-40).

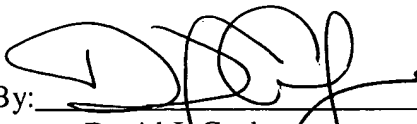
There is nothing in the *Fuesser, et al.* reference that has anything to do with determining a user's preference for a noise profile, a communication network that facilitates communication between an individual and a controller of an active noise cancellation system or communication portion for communicating a selection from an individual to such a controller. There is nothing within the *Fuesser, et al.* reference that explicitly or inherently recognizes any capability of communicating with the second means 29 apart from the specific signals provided to that second means by other portions internal to the controller 17 of that reference. Applicant's claimed invention provides the ability for an individual to customize the sound experience within a vehicle by providing

a preference to an active noise cancellation system. This is nowhere suggested or contemplated within the *Fuesser, et al.* reference and expanding the teachings of that reference to be consistent with Applicant's claimed invention can only be based on Applicant's own disclosure.

While Applicant appreciates the Examiner's indication of allowable subject matter, Applicant respectfully submits that all claims are allowable.

Respectfully submitted,

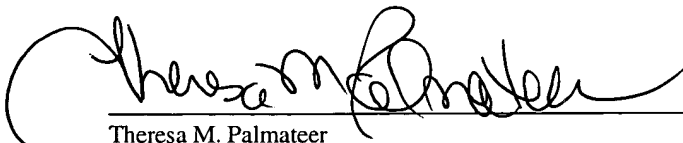
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CERTIFICATE OF MAILING

I hereby certify that this Response is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on June 15, 2005.


Theresa M. Palmateer

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